

Jonathan M. Baum (SBN 303469)

William Sullivan (SBN 275059)

Julienne Pasichow (SBN 340486)

jbaum@hwglaw.com

wsullivan@hwglaw.com

jpasichow@hwglaw.com

HWG LLP

1919 M Street NW, 8th Floor

Washington, DC 20036

Telephone: (202) 730-1300 / Facsimile: (202) 730-1301

Attorneys for Defendant

UNIVERSITY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

JOHN DOE 1, JOHN DOE 2, JOHN DOE 3,
JOHN DOE 4, JOHN DOE 5, JOHN DOE 6,
JOHN DOE 7, JOHN DOE 8, JOHN DOE 9,
JOHN DOE 10, JOHN DOE 11, JOHN DOE
12, JOHN DOE 13, and JOHN DOE 14
individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION, THE UNIVERSITY OF
SAN FRANCISCO, ANTHONY N. (AKA
NINO) GIARRATANO, and TROY
NAKAMURA,

Defendants.

Case No. 3:22-cv-01559-LB

**DEFENDANT UNIVERSITY OF SAN
FRANCISCO'S ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
CASES SHOULD BE RELATED**

Judge: Hon. Laurel Beeler

Trial Date: None Set

1 University of San Francisco (“USF”) submits this administrative motion to consider
 2 whether this case, *Does 1-14 v. University of San Francisco, et al.*, Case No. 3:22-cv-1559-LB
 3 (N.D. Cal.) (“*Does I*”), should be considered a “related case” under Civil Local Rule 3-12 to the
 4 following action: *Does 15-19 v. University of San Francisco, et al.*, Case No. 3:25-cv-05311-
 5 AGT (N.D. Cal.) (“*Does II*”).

6 “An action is related to another when: (1) The actions concern substantially the same
 7 parties, property, transaction or event; and (2) It appears likely that there will be an unduly
 8 burdensome duplication of labor and expense or conflicting results if the cases are conducted
 9 before different Judges.” L.R. 3-12(a).

10 The actions are related. Both actions involve the same parties—USF, former USF
 11 baseball coaches Anthony Giarratano and Troy Nakamura, and former USF baseball players
 12 coached by Giarratano and Nakamura. The allegations underlying each action are substantively
 13 identical. Plaintiffs even point out that John Does 15-19 in *Does II*—who are named
 14 consecutively from John Does 1-14 in *Does I*—“experienced the same” alleged conduct “by the
 15 Coach Defendants against John Does 1-14” in *Does I*. *Does II* Compl., Dkt. No. 1 at 4.
 16 Moreover, the causes of action in *Does II* are identical to the causes of action in *Does I* except
 17 that Plaintiffs abandoned their breach of contract claims after they were dismissed in *Does I*.

18 Plaintiffs appear to agree that the two cases are related, and even acknowledge on their
 19 Civil Cover Sheet and on page one of the *Does II* complaint that *Does I* is a “related case.” *Id.* at
 20 1 n.1; *id.* at Attachment 1. Plaintiffs further acknowledge that the *Does II* Plaintiffs were
 21 originally part of the *Does I* putative class action before class certification was denied. *Id.* at 4.
 22 Moreover, counsel of record for Plaintiffs in *Does II* are also all counsel of record for Plaintiffs
 23 in *Does I*.

24 Treating the cases as related would serve the interests of judicial economy, avoid
 25 unnecessary expense and the unduly burdensome duplication of labor, and eliminate the potential
 26 for conflicting rulings on the same alleged conduct. Because the requirements of Civil Local
 27 Rule 3-12 are met, USF respectfully requests that this Court grant its administrative motion.
 28

1 Dated: July 9, 2025

Respectfully submitted,

By: /s/ Jonathan M. Baum

Jonathan M. Baum (SBN 202469)

jbaum@hwglaw.com

William Sullivan (SBN 275059)

wsullivan@hwglaw.com

Julienne Pasichow (SBN 340486)

jpasichow@hwglaw.com

HWG LLP

1919 M Street NW, 8th Floor

Washington, DC 20036

Telephone: (202) 730-1300

Facsimile: (202) 730-1301

Attorneys for Defendant

UNIVERSITY OF SAN FRANCISCO

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2025, I caused the foregoing document to be served by email upon counsel of record for all Parties listed in the service list below. I declare under penalty of perjury that the foregoing information in this Certificate of Service is true and correct.

/s/ Jonathan M. Baum
Jonathan M. Baum

SERVICE LIST

Jonathan Selbin (SBN 170222) Attorneys for Plaintiffs
Michelle A. Lamy (SBN 308174)
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111
Telephone: (415) 956-1000
Facsimile: (415) 956-1008
jselbin@lchb.com
mlamy@lchb.com

Jessica Moldovan (*pro hac vice*) Attorney for Plaintiffs
LIEFF CABRASER HEIMANN &
BERNSTEIN
250 Hudson Street
New York, NY 10013
Telephone: (212) 355-9500
Facsimile: (212) 355-9592
jmoldovan@lchb.com

Elizabeth A. Fegan (*pro hac vice*) Attorney for Plaintiffs
FEGAN SCOTT LLC
150 S. Wacker Dr., 24th Floor
Chicago, IL 60606
Telephone: (312) 741-1019
Facsimile: (312) 264-0100
beth@feganscott.com

Lynn A. Ellenberger (*pro hac vice*) Attorney for Plaintiffs
FEGAN SCOTT LLC
500 Grant St., Suite 2900
Pittsburgh, PA 15219
Telephone: (412) 346-4104
Facsimile: (312) 264-0100
lynn@feganscott.com

Michael von Klemperer (*pro hac vice*) Attorney for Plaintiffs
FEGAN SCOTT LLC
1763 Columbia Road NW, Suite 100
Washington, D.C. 20009
Telephone: (202) 921-0002
Facsimile: (312) 264-0100
Mike@feganscott.com

Georgia Jaye Zacest (*pro hac vice*)
FEGAN SCOTT LLC
708 Main Street, 10th Floor
Houston, TX 77002
Telephone: (830) 212-4042
Facsimile: (312) 264-0100
Georgia@feganscott.com

Attorney for Plaintiffs

Daniel A. Croley
FUTTERMAN DUPREE DODD CROLEY
MAIER LLP
601 Montgomery St., Suite 333
San Francisco, CA 94111
Telephone: (415) 399-3840
Facsimile: (415) 399-3838
dcroley@fddcm.com

Attorney for Defendant,
ANTHONY N. GIARRATANO
ALSO KNOWN AS
NINO GIARRATANO

Katherine O'Neal
Lesser Law Group
1010 B Street
Suite 350
San Rafael, CA 94901
Telephone: (415) 453-7600
koneal@fddcm.com

Attorney for Defendant,
ANTHONY N. GIARRATANO
ALSO KNOWN AS
NINO GIARRATANO

Scott Brian Rapkin
Michael Steven Rapkin
RAPKIN & ASSOCIATES, LLP
475 Washington Blvd.
Marina del Rey, CA 90292
Telephone: (310) 319-5465
Facsimile: (310) 306-1339
scottrapkin@rapkinesq.com

Attorneys for Defendant,
TROY NAKAMURA